



ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

9150 EAST IMPERIAL HIGHWAY — DOWNEY, CALIFORNIA 90242

(562) 940-2501



December 8, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ADOPT A CERTIFICATION OF ASSURANCE COMPLIANCE FORM AUTHORIZING
THE COUNTY OF LOS ANGELES PROBATION DEPARTMENT TO SUBMIT AN
APPLICATION FOR THE EVIDENCE – BASED PROBATION SUPERVISION
PROGRAM ADMINISTERED BY THE CALIFORNIA EMERGENCY MANAGEMENT
AGENCY (Cal EMA)**

(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT:

The County of Los Angeles Probation Department (Probation) is requesting that your Board adopt a Certification of Assurance of Compliance form authorizing Probation to submit an application and the necessary documents for the Evidence – Based Probation Supervision Program to Cal EMA.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the attached Certification of Assurance of Compliance form (Attachment 1) and request the Chair of the Board to affix a signature to Page 5 of Attachment 1, authorizing the Chief Probation Officer, on behalf of the County of Los Angeles, to submit an application and the necessary documents for the Evidence – Based Probation Supervision Program.
2. Authorize the Chief Probation Officer, or his designee, to execute the Grant Award Agreement (GAA), to serve as Project Director, and to sign and approve any revisions to the GAA that do not increase the net County cost (NCC).

3. Delegate authority to the Chief Probation Officer to prepare and sign agreements with other governmental agencies collaborating in the grant-funded program, after review and approval as to form by County Counsel.

PURPOSE/JUSTIFICATION OF RECOMMENDATION

The purpose of the recommended actions is to adopt a Certification of Assurance of Compliance form (Attachment I) authorizing the Chief Probation Officer to submit an application and the necessary documents to Cal EMA for the Evidence – Based Probation Supervision Program, and authority to the Chief Probation Officer, or his designee, to execute the Grant Award Agreement (GAA), to serve as Project Director, and to sign and approve any revisions to the GAA that do not increase the net County cost (NCC).

The intent of the program is to provide funding to county probation departments for the purpose of providing evidence-based supervision, programs, or services to adult felon probationers with the intent of reducing the likelihood that these probationers will commit new crimes or other violations and be sent to prison.

Probation intends to implement a program that is designed to increase the potential for successful completion of probation; thereby promoting public safety. To further program goals, it is the intent of the Probation to hire staff to closely supervise small caseloads of higher risk adult offenders using evidence based supervision practices that target the unique criminogenic needs of each probationer. Interventions include the use of graduated sanctions and evidence based casework curriculum. Ongoing outcome measurement will be a critical part of the new program to ensure achievement of program objectives.

Implementation of Strategic Plan Goals

The recommended actions support the Countywide Strategic Plan Goal #1 Operational Effectiveness; and Goal #5 Public Safety.

FISCAL IMPACT/FINANCING

The grant funding for the Evidence – Based Probation Supervision Program will be approximately \$11,193,266 for the period of October 1, 2009 through September 30, 2012. Funding is contingent on legislative funding. There is no net County cost (NCC) match requirement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On November 5, 2009, Cal EMA released the Request for Application (RFA) for the Evidence – Based Probation Supervision Program. A total of \$44,576,000 is available for local assistance through federal Edward Byrne Memorial Justice Assistance Grant (JAG) program funding provided by the American Recovery and Reinvestment Act (Recovery Act) of 2009. To be considered for funding, a complete application must be submitted to Cal EMA no later than December 21, 2009.

Cal EMA requires that a Certification of Assurance of Compliance Form (Attachment 1) be signed by the Chair of the Board of Supervisors and included with the grant application. This form assures that the official executing the agreement is, in fact, authorized to do so.

IMPACT ON CURRENT SERVICES

The grant funds will support evidence-based supervision, programs, or services to adult felon probationers with the intent of reducing the likelihood that these probationers will commit new crimes or other violations and be sent to prison.

CONCLUSION

Upon approval by your Board, it is requested that the Executive Officer/Clerk of the Board send the adopted Board Letter and an original signed Certification of Assurance of Compliance form to: Probation Department, Attention: Tasha Howard, Director, Contract Management Division, 9150 E. Imperial Hwy Downey, CA 90242

Respectfully submitted,


Robert B. Taylor
Chief Probation Officer

RBT:th

Attachment

c: Executive Officer, Board of Supervisors
Acting County Counsel
Chief Executive Office

CERTIFICATION OF ASSURANCE OF COMPLIANCE
RECOVERY JAG
METHAMPHETAMINE LABORATORY OPERATIONS

I, Robert B. Taylor hereby certify that
(official authorized to sign grant award; same person as Section 12 on Grant Award Face Sheet)

RECIPIENT: County of Los Angeles

IMPLEMENTING AGENCY: County of Los Angeles Probation Department

PROJECT TITLE: Alternative Treatment Case Load Program

is responsible for reviewing the *Grant Recipient Handbook* and adhering to all of the Grant Award Agreement requirements (state and/or federal) as directed by Cal EMA including, but not limited to, the following areas:

I. Equal Employment Opportunity – (Recipient Handbook Section 2151)

It is the public policy of the State of California to promote equal employment opportunity by prohibiting discrimination or harassment in employment because of race, religious creed, color, national origin, ancestry, disability (mental and physical) including HIV and AIDS, medical condition (cancer and genetic characteristics), marital status, sex, sexual orientation, denial of family medical care leave, denial of pregnancy disability leave, or age (over 40). **Cal EMA-funded projects certify that they will comply with all state and federal requirements regarding equal employment opportunity, nondiscrimination and civil rights.**

Please provide the following information:

Equal Employment Opportunity Officer: Francine Jimenez
Title: Affirmative Action Officer
Address: 9150 E. Imperial Highway, Downey, CA 90242
Phone: (562) 940-3552
Email: Francine.Jimenez@probation.lacounty.gov

II. Drug-Free Workplace Act of 1990 – (Recipient Handbook, Section 2152)

The State of California requires that every person or organization awarded a grant or contract shall certify it will provide a drug-free workplace.

III. California Environmental Quality Act (CEQA) – (Recipient Handbook, Section 2153)

The California Environmental Quality Act (CEQA) (*Public Resources Code, Section 21000 et seq.*) requires all Cal EMA funded projects to certify compliance with CEQA. Projects receiving funding must coordinate with their city or county planning agency to ensure that the project is compliance with CEQA requirements.

IV. Lobbying – (Recipient Handbook Section 2154)

Cal EMA grant funds, grant property, or grant funded positions shall not be used for any lobbying activities, including, but not limited to, being paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

V. Debarment and Suspension – (Recipient Handbook Section 2155)

(This applies to federally funded grants only.)

Cal EMA-funded projects must certify that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department of agency.

VI. Proof of Authority from City Council/Governing Board

The above-named organization (applicant) accepts responsibility for and will comply with the requirement to obtain written authorization from the city council/governing board in support of this program. The applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of Cal EMA, and that any cash match will be appropriated as required. It is agreed that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and Cal EMA disclaim responsibility of any such liability. Furthermore, it is also agreed that grant funds received from Cal EMA shall not be used to supplant expenditures controlled by the city council/governing board.

The applicant is required to obtain written authorization from the city council/governing board that the official executing this agreement is, in fact, authorized to do so. The applicant is also required to maintain said written authorization on file and readily available upon demand.

**SPECIAL CONDITIONS OF RECOVERY JAG PROJECTS
METHAMPHETAMINE LABORATORY OPERATIONS**

This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratories, including the seizure and/or removal of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"].

The United States Environmental Protection Agency (USEPA) has determined that, "law enforcement responsibilities terminate when the law enforcement official notifies the property owner of record, the state, and the local environmental or public health agencies in writing of a possible site contamination at a clandestine lab."

Law enforcement personnel may seize as evidence and remove any bottles, cans, jugs and other containers, as well as contaminated apparatus and chemical samples from a clandestine drug site, however, law enforcement agencies are not responsible for the cleanup/remediation of any rooms, buildings or surrounding environments, including septic systems, rivers, streams or contaminated soils.

(Check one of the following four boxes)

Will **not** accept the Recovery JAG funds for the period of Enter the correct grant cycle.

OR

Will accept the Recovery JAG funds for the period of Enter the correct grant cycle, but will not use them in the **seizure or removal** of clandestine methamphetamine laboratories.

OR

Will accept the Recovery JAG funds for the period of Enter the correct grant cycle, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Recipient will provide medical screening of personnel assigned or to be assigned by the recipient to the seizure of clandestine methamphetamine laboratories;
2. Recipient will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure of clandestine methamphetamine laboratories;
3. Recipient will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;
4. Recipient will notify the Department of Toxic Substances Control (DTSC), and send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized; and
5. Recipient will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:
 - (i) Respond to the minor's health needs that relate to methamphetamine toxicity;
 - (ii) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (iii) Arrange for medical testing for methamphetamine toxicity; and
 - (iv) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

OR

Will accept the Recovery JAG funds for the period of Enter the correct grant cycle, and comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the **seizure and/or removal** of clandestine methamphetamine laboratories. Said compliance will include the following mitigation measures:

1. Recipient will provide medical screening of personnel assigned or to be assigned by the recipient to the seizure and/or removal of clandestine methamphetamine laboratories;
2. Recipient will provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to the seizure and/or removal of clandestine methamphetamine laboratories;
3. Recipient will equip personnel, as determined by their specific duties, with OSHA required protective wear and other required safety equipment;
4. Recipient will send written notification to the property owner of record, and the local Environmental Management and/or Public Health Department whenever a clandestine methamphetamine laboratory is seized;
5. Recipient will enter into a written agreement with the local Social Services Department to notify the local Social Services Department whenever a minor is found at a clandestine methamphetamine laboratory site, and, if determined to be necessary, require that qualified personnel be dispatched to the site and, if determined to be necessary:
 - (v) Respond to the minor's health needs that relate to methamphetamine toxicity;
 - (vi) Take the minor into protective custody unless the minor is criminally involved in the clandestine methamphetamine laboratory activities or is subject to arrest/detention for other criminal violations;
 - (vii) Arrange for medical testing for methamphetamine toxicity; and
 - (viii) Arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.
6. Recipient will assign properly trained personnel to prepare a Hazard Assessment and Recognition Plan (HARP) for the clandestine methamphetamine laboratory site;
7. Recipient or DTSC will utilize qualified disposal personnel to remove the chemicals, associated glassware, equipment, and contaminated materials and wastes from the clandestine methamphetamine laboratory site;
8. Recipient or DTSC will dispose of the chemicals, associated glassware, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities; and
9. Recipient or DTSC will monitor the records involving the transport, disposal and recycling components of subparagraphs numbered 7 and 8 immediately above in order to ensure proper compliance.

All appropriate documentation must be maintained on file by the project and available for Cal EMA or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the Recipient may be ineligible for award of any future grants if the Cal EMA determines that any of the following has occurred:

(1) the Recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

CERTIFICATION

I, the official named below, am the same individual authorized to sign the Grant Award Agreement [Section 12 on Grant Award Face Sheet], and hereby swear that I am duly authorized legally to bind the contractor or grant recipient to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

Authorized Official's Signature: Robert B Taylor

Authorized Official's Typed Name: Robert B. Taylor

Authorized Official's Title: Chief Probation Officer

Date Executed: _____

Federal Employer ID #: 95-6000927 Federal DUNS # 153143164

Current Central Contractor Registration Yes No

Executed in the City/County of: Los Angeles

AUTHORIZED BY: *(not applicable to State agencies)*

- City Financial Officer
- City Manager
- Governing Board Chair
- County Financial Officer
- County Manager

Signature: _____

Typed Name: Gloria Molina

Title: Chair, Los Angeles County Board of Supervisors